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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/665,995

09/17/2003

Tai-Cheng Yu

6601

25859

7590

06/26/2006

WEI TE CHUNG
FOXCONN INTERNATIONAL, INC.
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EXAMINER

TON, ANABEL

ART UNIT

PAPER NUMBER

2875

DATE MAILED: 06/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/665,995

Applicant(s)

YU ET AL.

Examiner

Anabel M. Ton

Art Unit

2875

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 02 June 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

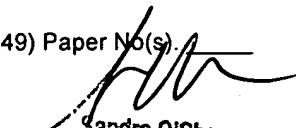
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s) _____.
13. ☐ Other: _____.


Sandra O'Shea
Supervisory Patent Examiner
Technology Center 2800

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's arguments have been fully considered but are not persuasive. Applicant argues that the "light conversion elements" in the diffusion plate of Yoshida 23, cannot all be fairly considered to individually face towards the reflection polarizer. Applicant does not require this type of arrangement in claim 11, but requires a diffusion plate with light conversion elements facing the light polarizing plate, inherently since Yoshida is directing light towards the polarizing plate through the diffusion plate, the majority if not all of the light conversion elements must be facing towards the direction of propagated light to diffuse all the light passing through the diffuser, since Yoshida does not teach otherwise it is considered to satisfy such a function. With regards to "configured at one side of the diffusion plate" as recited by applicant, since applicant has not claimed a top, bottom, right or left or inner side of the diffusion plate, Yoshida's light conversion elements formed "within the diffusion layer" are considered to reasonably anticipate applicant's location of "at one side of the diffusion plate". Applicant argues in page 5 that the examiner recited "plate" and it was not clear whether or not the reference was being made to the polarizing plate 20 or the diffusion layer 23. The reference was being made to polarizing plate 20 which was the only plate mentioned in the cited column and lines. Applicant argues that the light scattering particles of Yoshida are unable to redirect the common light towards the reflection polarizer without substantial involvement of the diffusion plate and light guide plate. Applicant is advised that "substantial" is a relative term with no quantitative value and does not define a range of degree. "Without substantial involvement of the diffusion plate and light guide plate" is considered to be satisfied by Yoshida since as seen in figures 4-5 light is sent through the layers and then reflected in a reverse direction by the reflection polarizer. With regards to applicant's arguments as to the combinability of Kretzman and Yoshida, applicant is reminded that Yoshida was used as a teaching of a diffusion plate with light converting elements facing towards the reflection polarizer. Kretzman, as cited in the final rejection, teaches respective placement of the diffusing layer/film, reflection polarizer and light guide plate to that of the instant invention. The combination of Yoshida's teaching of a diffusing layer/plate with light converting elements to substitute the diffusive film of Kretzman would have been well within ordinary skill in the art for the reasons as set forth in the final rejection.